

Panaji, 14th March, 2023 (Phalguna 23, 1944)

SERIES I No. 49

OFFICIAL GAZETTE

GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

EXTRAORDINARY

GOVERNMENT OF GOA

Department of Law

Legal Affairs Division

Notification

7/5/2023-LA

The Goa Panchayat Raj (Amendment) Act, 2023 (Goa Act 13 of 2023), which has been passed by the Legislative Assembly of Goa on 18-01-2023 and assented to by the Governor of Goa on 06-03-2023, is hereby published for general information of the public.

D. S. Raut Desai, Joint Secretary (Law).

Porvorim, 14th March, 2023.

The Goa Panchayat Raj (Amendment) Act, 2023

(Goa Act 13 of 2023) [06-03-2023]

AN

ACT

further to amend the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994)

Be it enacted by the Legislative Assembly of Goa in the Seventy-third Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Panchayat Raj (Amendment) Act, 2023.

(2) It shall come into force on such date, as the Government may, by Notification in the Official Gazette, appoint.

2. *Amendment of section 47.*— In section 47 of the Goa Panchayat Raj Act, 1994 (Goa Act No. 14 of 1994) (hereinafter referred to as the "principal Act"),—

(i) clauses (ii) and (iii) shall be re-numbered as clauses (iv) and (v) respectively and before clause (iv) as so re-numbered the following clauses shall be inserted, namely:—

"(ii) to issue the permission/license for trade, business, industry, hotel, restaurant, eating house, coffee house, sweetmeat shop, bakery, boarding house or lodging house (other than a hostel recognized by the Government) or a dharmashala or for manufacturing ice or aerated water or any other permission/license under section 68, 69, 70 or 71 of this Act, in pursuance of the resolution of the Panchayat;

(iii) upon an order of the Block Development Officer to issue permission/ /licence for construction, repairs, modification, alteration, or to issue permissions/license for trade, business, industry, hotel, restaurant, eating house, coffee house, sweetmeat shop, bakery, boarding house or lodging house (other

than a hostel recognized by the Government) or a dharmashala or for manufacturing ice or aerated water or any other permission/license under section 66, 68, 69, 70 or 71 of this Act, or an occupancy certificate.

3. *Amendment of section 66.*— In section 66 of the principal Act,—

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Subject to such rules as may be prescribed, no person shall erect any building or alter or add to any existing building or reconstruct any building without the written permission of the Panchayat. The permission may be granted after an application for the purpose is made and on payment of such fees as prescribed.”;

(ii) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) If a Panchayat does not, within a period of thirty days from the date of receipt of the application under sub-section (1), determine whether such permission should be given or not and communicate its decision to the applicant, the Secretary shall forward the application to the Block Development Officer on expiry of such period of thirty days and the applicant may also file an appeal within a period of thirty days from the date of expiry of aforesaid period to the Block Development Officer. The Block Development Officer shall immediately upon receipt of such application from the Secretary or appeal from the applicant, whichever is earlier, proceed to determine whether such permission should be given or not. If the Block Development Officer fails to determine whether such permission should be given or not and communicate his decision to the applicant within a period of thirty days from the date of intimation by the Secretary or receipt of appeal, immediately upon expiration of

such period of thirty days, such permission shall be deemed to have been granted to the applicant to execute the work strictly in accordance with the technical clearance and plans as approved by the Town and Country Planning Authorities and in conformity with conditions laid down by all other statutory authorities and not so as to contravene any of the provisions of this Act or any rules or bye-laws made under this Act or of any other law for the time being in force;”;

(iii) after sub-section (2), the following sub-sections shall be inserted, namely:—

“(2A) Where the permission under sub-section (1) is deemed to have been granted under sub-section (2), before proceeding with execution of the work, the applicant shall give intimation notice in such form as prescribed, to the Panchayat, the Block Development Officer and the Town and Country Planning Authorities within a period of fifteen days from the date on which such permission is deemed to have been granted under sub-section (2) and he shall also deposit with the Secretary the fees payable under sub-section (1). The Secretary shall be duty bound to accept such fees and issue proper receipt to the applicant and credit such fees to the Panchayat Fund.

(2B) The applicant after complying with the provisions of sub-section (2A), shall be entitled to execute the work strictly in accordance with the technical clearance and plans approved by the Town and Country Planning Authorities and in conformity with conditions laid down by all other statutory authorities and the applicant shall follow the procedure as may be applicable for obtaining the completion certificate within the validity period.

(2C) Subject to such rules as prescribed, no building erected, re-erected or altered in pursuance of sub-

section (1), (2) or (2B), shall be occupied in whole or part until an occupancy certificate is issued by the Panchayat after confirming that such building is in conformity with approved plans.

(2D) The occupancy certificate shall be issued by Panchayat on payment of such occupancy fees as prescribed.

(2E) If a Panchayat does not, within thirty days from the date of receipt of application for occupancy certificate, determine whether such occupancy certificate should be issued or not and communicate its decision to the applicant, such occupancy certificate shall be deemed to have been issued, if the applicant has obtained necessary completion certificate from the Town and Country Planning Authorities as per the provisions of the Goa (Regulation of Land Development and Building Construction) Act, 2008 (Goa Act 6 of 2008) and the Regulations framed thereunder.

(2F) Where the occupancy certificate is deemed to have been issued under sub-section (2E), before proceeding to occupy the premises, the applicant shall give intimation notice in such form as prescribed to the concerned Panchayat and the Block Development Officer within a period of fifteen days from the date on which such occupancy certificate is deemed to have been issued under sub-section (2E) and he shall also deposit with the Secretary the occupancy fees as payable under sub-section (2D). The Secretary shall be duty bound to accept the occupancy fees and issue a proper receipt to the applicant and credit such fees to the Panchayat Fund."

4. *Amendment of section 68.*— In section 68 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) The provisions of sub-sections (2), (2A), (2B), (2C), (2D), (2E), (2F), (3), (4), (5), (6) and Explanation to section 66 of this Act shall apply mutatis mutandis, to this section."

5. *Amendment of section 72.*— In section 72 of the principal Act,—

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) A permission under section 68 or the licence under section 69, 70 or 71, shall be granted or renewed only after an application for the purpose is made and on payment in advance of such fee as prescribed.";

(ii) after sub-section (2), the following sub-sections shall be inserted namely:—

"(2A) If a Panchayat does not, within a period of thirty days from the date of receipt of the application under sub-section (1), determine whether such licence under section 69, 70 or 71 should be granted or not and communicate its decision to the applicant, the Secretary shall forward the application to the Block Development Officer on expiry of such period of thirty days and the applicant may file an appeal within a period of thirty days from the date of expiry of aforesaid period to the Block Development Officer. The Block Development Officer shall, immediately upon receipt of such application from the Secretary or appeal from the applicant, whichever is earlier, proceed to determine whether such licence should be granted or not. If the Block Development Officer fails to determine whether such licence should be granted or not and communicate his decision to the applicant within a period of thirty days from the date of receipt of such application from Secretary or appeal, immediately upon expiration of such period of thirty days, such licence shall be deemed to have been granted to the applicant, subject to the condition that the applicant obtains all the requisite other permissions from other statutory authorities for the purpose of carrying out the activity by virtue of such licence, but not so as to contravene any of the provisions of this Act or of any rules or

bye-laws made under this Act or of any other law for the time being in force.

(2B) Where such licence under section 69, 70 or 71 is deemed to have been granted under sub-section (2A), before proceeding to carry out any activity by virtue of such licence, the applicant shall give intimation notice in such form as prescribed, to the Panchayat and the Block Development Officer within a period of fifteen days from the date on which such license is deemed to have been granted under sub-

section (2A) and he shall also deposit with the Secretary the fee payable under sub-section (1). The Secretary shall be duty bound to accept such fee and issue proper receipt to the applicant and credit such fee to the Panchayat Fund.”.

Secretariat,
Porvorim-Goa.

Dated: 14-03-2023.

SANDIP JACQUES
Secretary to the
Government of Goa,
Law Department
(Legal Affairs).

www.goaprintingpress.gov.in

Printed and Published by the Director, Printing & Stationery,
Government Printing Press,
Mahatma Gandhi Road, Panaji-Goa 403 001.

PRICE – Rs. 4.00

PRINTED AT THE GOVERNMENT PRINTING PRESS, PANAJI-GOA—452/160—3/2023.